IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 7843 of 1995

Between:

The Koilsagar Ayacutdars Association,

Mahabubnagar District, represented by its President

K.Laxma Reddy, S/o Gopal Reddy, 45 years,

Agriculture, r/o Venkatapur Village,

Dhanwada Mandal, Mahabubnagar District.

..... PETITIONER

AND

1. Government of Andhra Pradesh, represented by Chief Secretary (Irrigation) Department, Secretariat, Hyderabad.
2. Chief Engineer, Medium Irrigation, Andhra Pradesh, Erramanjil Colony, Hyderabad.
3. Superintending Engineer I & CAD, IB Division, Red Hills, Hyderabad.
4. Executive Engineer, Irrigation & CAD Irrigation Branch Division, Mahabubnagar.
5. District Collector, Mahabubnagar District, Mahabubnagar.
6. Revenue Divisional Officer, Narayanpet Revenue Division, Mahabubnagar District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction or writ specially one in the nature of writ of Mandamus directing the respondents to expedite proposals under Land Acquisition Act as prepared by the respondent No.4 through their letter dated 07.10.1994 relating to the acquisition of lands for the left flank distributory channel under Koilsagar Project and pay compensation under the provisions of the Land Acquisition Act together with 21% interest from the date of taking possession of the land i.e., 01.01.1954 by declaring the action of the respondents in not making payment of compensation in respect of the acquired lands as illegal, void and without jurisdiction.

Counsel for the Petitioner:MR.L.PRABHAKAR REDDY

Counsel for the Respondents 1 to 6: GP FOR LAND ACQUISITION.

The Court made the following :

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ORDER:

Heard the learned counsel appearing for the petitioner and the learned Government Pleader for Land Acquisition appearing on behalf of the respondents 1 to 6.

The petitioner, which is an Association representing the Ayacutdars, filed this writ petition, *inter alia,* seeking for a writ of Mandamus for payment of compensation in respect of the land which was acquired belonging to the Ayacutdars for the purpose of left flank distributory channel under koilsagar project and also sought for making payment of all other benefits including interest as provided for under the Land

Acquisition Act.

The case of the petitioner is that consequent upon the establishment of koilsagar project, the acquisition was done both for channels and distributory separately and the petitioner-association falls well within the coverage of distributory. The said acquisition was made as long back as in the year 1954 and possession was taken over on 01.01.1954 and since then no steps have been taken either determining the compensation or making payment thereof along with all other benefits to which the petitioner-association is entitled to. Hence, the Writ Petition.

In the counter affidavit filed on behalf of the respondents, the allegations made by the petitioner were sought to be denied. Though at one stage, it was stated that the awards have already been passed, but at later stage it is his case that no record is available and sought for dismissal of the writ petition.

Having heard the learned counsel on either side and on perusal of the material, the only question which falls for consideration is as to whether the petitioner-association is entitled for payment of compensation in respect of the lands said to have been acquired for the purpose of distributory?

There is no dispute to the fact that the said project was established and the lands were acquired both for project and for canals and distributory.

The case of the petitioner-association is that their lands come under the distributory and though compensation was paid in respect of the lands acquired for the said project as well as canals, the petitioner is not being paid compensation.

Having regard to the allegations and the counter allegations from the respective parties, there is a serious dispute in regard to the very determination of the payment of compensation. However, except making bald allegation, there is no specific averment forthcoming on behalf of the respondents in their counter affidavit, no particulars have been stated as to passing of any award or making payment of compensation for these lands, though the lands were taken over for the said purpose.

In the latest decision of the Supreme Court in ***State of U.P. and others v. Manohar*** it is held that such an action of acquiring property of a citizen without making any compensation, has been deprecated and exemplary costs were also

awarded along with other amounts towards interest etc.,

However, in view of the facts and circumstances, it would suffice in the interest of justice to have a comprehensive enquiry; consisting of representatives from both the Departments namely the Irrigation and Revenue so as to ascertain in regard to the passing of any award and making payment of the compensation in this regard.

In view of the above, the writ petition is disposed of directing the respondents 3 and 5 to conduct a joint enquiry by giving a prior notice and sufficient opportunity to the petitioner as well and to go into the question as to whether any acquisition proceedings were initiated and awards were passed and any payments were made as contemplated under law for the lands which have been taken over thereunder. The entire said enquiry shall be completed within a period of three months from the receipt of a copy of this order and the same shall be submitted to this Court. Office is directed to post the writ petition for compliance on 20.06.2005.

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B. PRAKASH RAO, J

17th March 2005.

Chvn/DRK

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Chief Secretary (Irrigation) Department, Secretariat, Government of Andhra Pradesh, Hyderabad.
2. Chief Engineer, Medium Irrigation, Andhra Pradesh, Erramanjil Colony, Hyderabad.
3. Superintending Engineer I & CAD, IB Division, Red Hills, Hyderabad.
4. Executive Engineer, Irrigation & CAD Irrigation Branch Division, Mahabubnagar.
5. District Collector, Mahabubnagar District, Mahabubnagar.

6. Revenue Divisional Officer, Narayanpet Revenue Division, Mahabubnagar District.

7. Two C.Cs. to the G.P. for Revenue, High Court Buildings, Hyderabad (OUT).

8. Two C.D. copies.

9. Two C.Cs. to G.P. for Land Acquisition, High Court Buildings, Hyderabad.